

**Remarks**

This Amendment is in response to the Office Action dated **October 15, 2007**.

Claim 1 has been amended. The amendment is supported by the description on page 6 lines 6-15 and claim 7. Claim 5 has been amended to conform to the amended antecedent language of claim 1. Claims 6-8 have been cancelled. Claims 1-5 are currently pending.

**Claims Rejections 35 USC §112**

Claims 1-7 have been rejected for lack of enablement of "non-reproducible," on the asserted grounds that the term is construed as absolute and is unfounded. The applicant does not agree and traverses the rejection. The "absolute" contention construes the term outside the context of the invention and without reference to a construction that the person of skill in the art would use. Such a construction is not proper under the law. Further, the "unfounded" contention is clearly erroneous since the specification clearly teaches such identifiers on page 3 of the specification and the Office Action clearly recognizes that teaching in discussing the identifiers of application 10/182967. Nevertheless, the applicant believes that the invention can be defined without use of the term. Therefore, without acquiescence in the contentions of the rejection, the term "non-reproducible" has been deleted from claims 1 and 5 to advance prosecution.

Claim 8 has been rejected as indefinite for not being in single sentence form. Claim 8 has been cancelled, thereby mooting this rejection.

**Claims Rejections 35 USC §101**

Claims 6 and 7 have been rejected as non-statutory under 35 USC §101 on the asserted ground that the method utilizes a human operator and different humans may potentially reach different conclusions when making a comparison. Claims 6 and 7 have been cancelled in view of the amendment of claim 1, without acquiescence in the contentions of this rejection.

The rejection is clearly not well taken. Nothing in §101 prohibits process claims reciting steps performed by human beings. Patentable subject matter under §101 includes a "process", which is in turn defined in §100 to include "art," *i.e.* uniquely human activity. The Office Action hypothesizes that the method is "potentially non-reproducible," when a human operator is employed, but this does not change the fact that a statutory process is unquestionably

recited. Furthermore, at least until the laws of quantum physics are repealed, all processes necessarily have some uncertainty in result each time they are carried out and so have some level of non-reproducibility. The rationale of the rejection would preclude patenting of every process claim ever written, regardless of whether a human was involved or not. There is no absolutely no precedent for a construction of §101 that permits the rejection articulated in the Office Action.

### **Claims Rejections - 35 USC §102**

Claims 1-4 and 8 have been rejected as anticipated by GB 2,304,077 (Farrall). The rejection has been overcome by the amendment of claim 1. Farrall does not teach or suggest a process involving re-transmission of the stored signature on a terminal monitor and/or a printer on which the image appears in order to authenticate the link between the number and the information stored under the same number in the database. Withdrawal of this rejection is therefore respectfully requested.

Claims 1 and 5-7 have been rejected as anticipated by GB 2,324,065 (Slater et al). The rejection has been overcome by the amendment of claim 1. Slater et al also does not teach or suggest the re-transmission of the stored signature on a terminal monitor and/or a printer on which the image appears in order to authenticate the link between the number and the information stored under the same number in the database. Note that the "checking" referred to in the cited portion of Slater et al (page 4 lines 13-21) occurs "with the database." See page 4, line 16. Withdrawal of this rejection is therefore respectfully requested.

### **Conclusion**

In view of the foregoing amendments and remarks the application is seen to be in condition for allowance. Early and favorable action thereon is respectfully requested.

Respectfully submitted,  
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